

24



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/358,933 | 07/23/1999 | AKIHIRO KOHNO | 35.G2429 | 2145 |

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

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| EXAMINER |
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LEE, RICHARD J

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| ART UNIT | PAPER NUMBER |
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2613

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/358,933

Applicant(s)

KOHNO ET AL.

Examiner

Richard Lee

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-8,12-15,19-22 and 26-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,12-15,19-22 and 26-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2613

1. The request filed on December 27, 2004 for a Request for Continued Examination (RCE) is acceptable and a RCE has been established. An action on the RCE follows.
2. The applicants' arguments from the amendment filed November 26, 2004 have been noted, considered, and addressed in the following grounds of rejections.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-8, 12-15, 19-22, and 26-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa of record (6,271,805) in view of Okazaki et al of record (5,819,048) and Yamaashi et al of record (5,621,429).

Yonezawa discloses a communication apparatus and method as shown in Figure 1, and substantially the same communication apparatus and method, and storage medium storing a program as claimed in claims 1 5-8, 12-15, 19-22, and 26-36, comprising substantially the same reception unit/process code for receiving frame images from a plurality of communications terminals (60, fig. 1, fig. 2, fig. 15, see col. 6, lines 18-24, col. 10, lines 43-53); an output unit/process code for outputting the frame images received by the reception unit in order to display the frame images on a display unit as multiple image displays (see 610, 612, 614, 616, 618, 620 of fig. 3, col. 4, line 18-26, line 58 to col. 5, line 13, fig. 6, col. 5, line 14 to col. 6, line 40, col. 7, line 66 to col. 8, line 10, col. 10, lines 43-53, fig. 15); assigning unit for assigning an arbitrary image display from among the multiple image displays, and a control unit for controlling a state of outputting the frame image assigned by the assigning unit (see col. 5, line

Art Unit: 2613

17 to col. 6, line 6); wherein changing the image information displayed on the display unit is a change in a state of display of an icon indicating a corresponding one of the plurality of communication terminals (see col. 6, line 53 to col. 7, line 6).

Yonezawa does not particularly disclose, though, the followings:

(a) a notification unit for acquiring and notifying of a state of frame rate of the frame images received by the reception unit, wherein the notification unit causes the display unit to display an image information of the state of frame rate corresponding to each of the frame images received from the communication terminal and corresponding to each of the image displays, the image information being displayed on a predetermined area at a time when the received frame images are displayed, wherein the notification unit notifies of the state of frame rate by changing the image information so that a first image information is displayed when at least one of the received frame images is displayed on a predetermined region and a next frame image on the predetermined region is updated, a second image information is displayed in a period when at least one of the received frame images is displayed on the predetermined region and a next frame image on the predetermined region is not updated, and neither the first or the second images information are displayed when the frame images are not displayed as claimed in claims 1, 8, 15, 22, 29-31, 35, and 36;

(b) wherein the notification unit comprises one of flashing of an icon, display of character information, and display of numerals as claimed in claims 7, 14, 21, 28, and 34; and

(c) wherein the notification unit does not perform notification when the frame rate is high, and performs notification when the frame rate is reduced as claimed in claims 6, 13, 20, 27, and 33.

Regarding (a), Okazaki et al, however, discloses an image data processing apparatus as shown in Figures 1 and 2, and teaches the conventional use of a notification unit for acquiring and notifying of a state of frame rate of the frame images received by the reception unit, and wherein the notification unit causes the display unit to display an image information of the state of frame rate corresponding to each of the frame images received from the communication terminal and corresponding to each of the image displays (see Figure 1: "Report of Reception Rate", with the reception rates and real frame rate reading on the actual frame rate, col. 7, lines 3+). It is noted that though Yonezawa teaches the particular displaying of the received frame images on a predetermined region and a next frame image on the predetermined region is updated (i.e., when the camera icons 521-523 of Figure 3 are dragged and dropped in video display areas 610,612, 1614, 616, 618, 620, the image frames are repeatedly outputted on the respective display areas, thereby providing the displaying of received frame images on a predetermined region and the updating of a next frame image on the predetermined region as claimed, see col. 5, line 17 to col. 6, line 65 col. 10, lines 42-53), and the particular displaying of the received frame images on the predetermined region and a next frame image on the predetermined region is not updated (i.e., in the event that the camera icon is dragged and dropped in icon 632, the display of the frame image from the respective camera is stopped and therefore the image frames are no longer updated, see col. 6, lines 41-65, col. 10, lines 42-53), Yonezawa is however silent as to the notification unit notifying the state of frame rate by changing the image information so that a first image information is displayed when at least one of the received frame images is displayed on a predetermined region and a next frame image on the predetermined region is updated, a second image information is displayed in a period when at

Art Unit: 2613

least one of the received frame images is displayed on the predetermined region and a next frame image on the predetermined region is not updated, and neither the first or the second images information are displayed when the frame images are not displayed, as claimed. Yamaashi et al however discloses a video data display controlling system as shown in Figure 1, and teaches the particular notification of the state of frame rate by changing the image information (i.e., the reception rate is displayed providing the image information of the state of the frame rate, together with the received images as provided on display 203) so that first and second image information is displayed (i.e., when the frame rate is changed based on the image quality desired by the user, new frame rate information representing the first and second image information is displayed when the received images are displayed, see Abstract, column 3, lines 23-30, column 4, lines 30-67, column 7, lines 24-38, line 64 to column 8, line 18, column 8, lines 28-47, column 12, line 34 to column 13, line 12, column 13, line 57 to column 14, line 11). It is therefore considered obvious to provide the notification of the state of the frame rate by changing the image information as taught by Yamaashi for the frame image display system of Yonezawa to thereby provide the notification unit notifying the state of frame rate by changing the image information so that a first image information is displayed when at least one of the received frame images is displayed on a predetermined region and a next frame image on the predetermined region is updated, a second image information is displayed in a period when at least one of the received frame images is displayed on the predetermined region and a next frame image on the predetermined region is not updated, as claimed. Further, to neither display the first or the second image information when the frame images are not displayed as claimed is however considered inherent if not obvious since there would be no need to display the frame rate or any

Art Unit: 2613

other information corresponding to the first and second image information when the received images are not displayed. Therefore, it would have been obvious to one of ordinary skill in the art, having the Yonezawa, Okazaki et al, and Yamaashi et al references in front of him/her and the general knowledge of the particular notification and display of frame rates of images, would have had no difficulty in providing the notification unit for acquiring and notifying of a state of frame rate of the frame images received by the reception unit, wherein the notification unit causes the display unit to display an image information of the state of frame rate corresponding to each of the frame images received from the communication terminal, the image information being displayed on a predetermined area at a time when the received frame images are displayed as taught by Okazaki et al and Yamaashi et al for the communication system of Yonezawa, and for providing wherein the notification unit notifies of the state of frame rate by changing the image information so that a first image information is displayed when at least one of the received images is displayed on a predetermined region and a next frame image on the predetermined region is updated, a second image information is displayed in a period when at least one of the received images is displayed on the predetermined region and a next frame image on the predetermined region is not updated, and neither the first or the second images information are displayed when the frame images are not displayed in view of the combination of Okazaki et al, Yamaashi et al, and Yonezawa for the same well known notification and display of frame rates for management of video bandwidth constraints purposes as claimed.

Regarding (b), it is noted that though Yonezawa teaches performing notification by changing the color of an icon (col. 12, line 8-18), and Okazaki et al teaches notification by displaying character information and display numbers (see fig. 12, col. 7 lines 3+ of Okazaki et

Art Unit: 2613

al), the combination of Yonezawa, Okazaki et al, and Yamaashi et al does not disclose performing notification by one of flashing an icon as claimed. Despite the difference, it is viewed that such difference of a notification means is merely an obvious design preference used to achieve a desirable effect, but has no patentable weight over Yonezawa due to the fact that Yonezawa already teaches similar notification means.

Regarding (c), Yamaashi et al teaches keeping track of the “frame rate” of the received image data, i.e. the state of distribution, based on the bandwidth capacity, and the changes in the display information in accordance to the bandwidth capacity, as well as notifying and changing the display information in accordance to high and low priority of image area interests, which is substantially equivalent or has the capacity to perform notification in accordance to high or reduced frame rate as claimed (see Abstract, col. 7, line 24-38, line 64 to col. 8, line 18, col. 8, line 28-47, col. 12, line 34 to col. 13, line 12, line 57 to col. 14, line 11). Although Yamaashi et al does not recommend not performing a notification when the frame rate is high, only when the frame rate is low, it is viewed that such added feature would have been an obvious variant to achieve a desirable effect since Yamaashi et al already has the framework for performing a notification based on a frame rate. Therefore, taking the combined teachings of Yonezawa, Okazaki et al, and Yamaashi as a whole, one skilled in the art would have found it obvious to modify the system of Yonezawa and Okazaki et al to include notification and changes to the display state in accordance to the frame rate as claimed. Doing so would have resulted in more flexibility and efficiency in bandwidth capacity and also flexibility in changing display states of image information as taught in Yamaashi (col. 2, lines 5-9).

Art Unit: 2613

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.


RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

4/1/05

